

*REMARKS/ARGUMENTS**Discussion of Claim Amendments*

Claim 8 has been amended to recite the specific colourants as previously recited in claim 16. Claim 8 also has been amended to delete the term "optionally." Further, claim 8 has been amended to recite that no concentration gradient of the thermochromic material is present in the resulting layer. Claims 20, 23-24 and 26 have been amended to delete the term "optionally." No new matter has been added.

The Office Action

The Office Action sets forth the following grounds of rejection:

1. Claims 17-18 and 23-24 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite;
2. Claims 8-10, 12-15, 17-21, 23-28 and 30-31 are rejected under 35 U.S.C. 102(e) as allegedly anticipated by Lucht et al. (U.S. Patent No. 6,706,218); and
3. Claims 8-31 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Nakasuji et al. (U.S. Patent No. 4,028,118).

*Discussion of Rejections**Indefiniteness Rejection*

Applicants have amended claim 8 to delete the term "optionally." In view of the foregoing, the rejection of claims 17-18 and 23-24 have been rendered moot. Accordingly, the indefiniteness rejection should be removed.

Anticipation Rejections

Claims 8-10, 12-15, 17-21, 23-28 and 30-31 are rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Lucht et al. Applicants have amended claim 8 to recite specific colourants. Lucht et al. only refers to polythiophenes as colourants (see e.g., Abstract and claim 1). Lucht et al. fails to disclose the presently claimed invention. Accordingly, the anticipation rejection over Lucht et al. should be withdrawn.

Claims 8-31 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Nakasuji et al. Applicants have amended the claims as discussed. Nakasuji et al. fails to disclose the presently claimed invention. Nakasuji et al. describes the incorporation of thermochromic materials into the basis polymer via the process of calendering, i.e., the compositions according to Nakasuji are kneaded or welded. This process is explicitly described in the cited reference, see, e.g., col. 10, line 63, ("is kneaded"). However, Applicants found that the process of calendering can not result in comparable homogeneous distribution of compounds to be mixed with the polymer as the process of extrusion. In contrast, a comparable homogeneous distribution via calendering is not possible. This especially enhanced distribution is now recited in the presently amended claim 8 ("no concentration gradient"). Reference is also made to the examples set forth in the application according to which a twin screw extruder is used to produce the invented layers.

In view of the foregoing, Nakasuji fails to disclose the presently claimed invention. Accordingly, the anticipation rejections should be withdrawn.

Conclusion

A favorable decision is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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